

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUSTIN MERRIMAN,

No. C 15-01715 WHA

Plaintiff,

v.

OFFICER FNU TIERNEY, OFFICER  
FNU SMITH, OFFICER FNU  
ROBINSON,

**ORDER DENYING  
PLAINTIFF'S REQUEST  
TO EXTEND DEADLINE  
TO SERVE OFFICER SMITH**


Defendants.

A prior order set the deadline for plaintiff to serve officers Smith and Robinson as today, July 25. On July 24, plaintiff filed a motion seeking to extend the time to serve Officer Smith, stating that he has learned that Officer Smith's first name begins with the letter "D," but that there are several Officers Smith at San Quentin, and the proper defendant may have retired. Counsel has provided no explanation for what further efforts they could undertake with regard to Officer Smith, nor have they explained why Officer Smith could not have been identified earlier in the seventeen months since this case was first filed.

Plaintiff's request is **DENIED**. If service is not effected by the end of today, all claims against Officer Smith will be dismissed for failure to prosecute.

**IT IS SO ORDERED.**

Dated: July 25, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE